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Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

MYRNA I. JOHNSON,
Plaintiff,

v.

FRED MEYER STORES, INC., a
Delaware corporation; and JAIME SAN
MIGUEL,
Defendants.

Case No. 1J-04-008-CV (RRB)

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REPLY ON MOTION TO DISMISS INDIVIDUAL DEFENDANT

Defendants Fred Meyer Stores, Inc. and Jaime San Miguel moved to dismiss Mr. San Miguel as an individual defendant. Plaintiff did not oppose the dismissal of Mr. San Miguel because her only remaining claim sounds in contract. Whether or not this case is appealed, whatever rights plaintiff might have to reinstate a claim against Mr. San Miguel on claims previously dismissed are not before the Court at this time. Accordingly, defendants ask the Court to enter an order dismissing the remaining claim against Jaime San Miguel for an alleged breach of the covenant of good faith and fair dealing on a contract theory. A proposed order is submitted herewith.

RESPECTFULLY SUBMITTED this 18th day of April, 2008.

MILLER NASH LLP

s/ James R. Dickens

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Certificate of Service

I hereby certify that on April 18, 2008,
a copy of the foregoing was served
electronically on:

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s/ James R. Dickens

REPLY ON MOTION TO DISMISS INDIVIDUAL DEFENDANT

Johnson v. Fred Meyer

Case No. 1J-04-008-CV

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